

SENATE, No. 4141

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes grant program in DEP to provide financial assistance to municipalities for infrastructure and other physical upgrades to certain municipally owned sanitary landfill facilities closed before June 1987; appropriates \$10 million.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a grant program in Department of
2 Environmental Protection to finance upgrades to certain
3 municipally owned sanitary landfill facilities, supplementing
4 Title 13 of the Revised Statutes, and making an appropriation.
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 1. As used in this act:

10 “Commissioner” means the Commissioner of Environmental
11 Protection.

12 “Department” means the Department of Environmental
13 Protection.

14 “Grant program” or “program” means the “Municipal Landfill
15 Upgrading and Infrastructure Improvement Grant Program,”
16 established pursuant to section 2 of this act.

17 “Improperly closed sanitary landfill facility” or “improperly
18 closed” means a sanitary landfill facility, or a portion of a sanitary
19 landfill facility, at which operations were terminated prior to June
20 1, 1987 and for which performance is not complete with respect to
21 all activities associated with the design, installation, purchase, or
22 construction of structures or equipment, or with respect to the
23 implementation of other appropriate measures, as may be required
24 by the department, pursuant to law, for proper facility closure,
25 including, but not limited to, activities involving the placement or
26 installation of earthen or vegetative cover, methane gas vents,
27 methane gas monitors, air pollution control devices, and leachate
28 monitoring wells or collection systems.

29 “Municipal landfill upgrading and infrastructure costs” or
30 “costs” means the financial costs incurred by a municipality in
31 association with its implementation and ongoing maintenance and
32 management of infrastructure improvements and other physical
33 upgrades to a municipally owned and improperly closed sanitary
34 landfill facility.

35 “Sanitary landfill facility” means the same as that term is defined
36 in section 3 of P.L.1970, c.39 (C.13:1E-3).
37

38 2. a. The “Municipal Landfill Upgrading and Infrastructure
39 Improvement Grant Program” is established in the Department of
40 Environmental Protection to provide financial assistance to pay
41 municipal landfill upgrading and infrastructure costs incurred by a
42 municipality, which costs are necessary to ensure that the
43 municipality:

44 (1) comports with the department’s standards and regulations
45 concerning the proper closure, capping, and post-closure care of
46 sanitary landfill facilities; and

47 (2) has the capacity to effectively prevent, minimize, eliminate,
48 or monitor pollution and other health hazards resulting from a
49 municipally owned and improperly closed sanitary landfill facility.

- 1 b. Any municipality that owns an improperly closed sanitary
2 landfill facility shall be eligible to apply for a grant under the
3 program.
- 4 c. An eligible municipality seeking to obtain a program grant
5 shall submit an application therefor, in a form and manner
6 prescribed by the commissioner. The grant application shall
7 include the following information:
- 8 (1) a certification stating that the sanitary landfill facility, which
9 is the subject of the grant application, is owned by the municipality
10 and was improperly closed prior to June 1, 1987;
- 11 (2) a statement indicating the total amount of funding that is
12 being sought under the grant program;
- 13 (3) a list of other financial resources, including federal financial
14 assistance, that may be available to finance the municipal landfill
15 upgrading and infrastructure costs;
- 16 (4) a description of the specific project or projects for which
17 grant funding is being sought, including: the type of infrastructure
18 improvement or other physical upgrade being proposed; the reason
19 why such infrastructure improvement or other physical upgrade is
20 necessary; the environmental and health-related impacts that are
21 expected to result from the improvement or upgrade; the total
22 anticipated costs of the project, including the total anticipated
23 expenses associated with the municipality's ongoing maintenance
24 and management of completed project components; the permits and
25 approvals that will required for project commencement; and the
26 anticipated dates on which the project will be commenced and
27 completed; and
- 28 (5) any other information required by the commissioner.
- 29 d. A grant awarded under the program shall be used only to
30 finance those municipal landfill upgrading and infrastructure costs
31 that are directly incurred and paid by the municipality. In any case
32 where a federal agency is financing a portion of the municipal
33 landfill upgrading and infrastructure costs, the total costs used to
34 determine the amount of the grant to be awarded under the program
35 shall be reduced by the amount of the federal contribution.
- 36 e. Within 180 days after the effective date of this act, the
37 commissioner shall develop a project priority system, which shall
38 identify the ranking criteria and funding policies that will be used
39 by the department to prioritize projects for grant awards under the
40 program. At a minimum, the project priority system shall provide
41 for the prioritization of those projects that will have the most
42 significant impacts with respect to enabling the ongoing municipal
43 prevention, reduction, elimination, or monitoring of pollution and
44 other health hazards resulting from an improperly closed sanitary
45 landfill facility.
- 46 f. Each municipality receiving a grant award under the
47 program shall submit to the department, on an annual or more
48 frequent basis, as required by the commissioner, a grant fund
49 expenditures report that describes how the awarded grant funds are

1 being used by the municipality. Each report shall be submitted in a
2 form and manner prescribed by the commissioner.

3 g. The commissioner shall annually submit a written report to
4 the Governor, and, pursuant to section 2 of P.L.1991, c.164
5 (C.52:14-19.1), to the Legislature, on the implementation and
6 effectiveness of the grant program. The annual report shall, at a
7 minimum:

8 (1) identify the total number and dollar amount of grant awards
9 issued during the current reporting period, the total number and
10 dollar amount of grant awards issued, to date, since the program
11 was commenced, and the total number of funded projects that have
12 been completed;

13 (2) for those projects that received a grant during the current
14 reporting period, indicate the purpose for which each grant was
15 awarded, and describe the anticipated or actual environmental and
16 health-related impacts associated with the grant award;

17 (3) indicate the amount of appropriated funds that remain
18 available to finance future grant awards under the program; and

19 (4) evaluate whether, and the extent to which, the grant program
20 has been successful in facilitating municipal compliance with
21 department standards and regulations governing the proper closure,
22 capping, and post-closure care of sanitary landfill facilities, and
23 whether, and the extent to which, grant-funded projects have
24 succeeded in enabling the more effective municipal prevention,
25 minimization, elimination, or monitoring of pollution and other
26 health hazards resulting from these facilities.

27
28 3. a. The commissioner shall adopt rules and regulations,
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-1 et seq.), as may be necessary to implement the
31 provisions of this act.

32 b. The rules and regulations shall identify, at a minimum:

33 (1) the procedures to be used by municipalities when submitting
34 grant applications;

35 (2) the standards to be used by the department when evaluating
36 grant applications and when awarding program grants in accordance
37 with the priority system developed pursuant to subsection e. of
38 section 2 of this act;

39 (3) any limitations, restrictions, or other requirements
40 concerning the use of grant funds awarded under the program; and

41 (4) the requisite content of the grant fund expenditures reports
42 that are to be submitted by grant recipients, pursuant to subsection
43 f. of section 2 of this act, and the requisite timeframes for
44 submission of the reports.

45
46 4. There is appropriated, from the General Fund to the
47 Department of Environmental Protection, the sum of \$10,000,000
48 for the purposes of financing grants to municipalities, as provided
49 by this act.

1 5. This act shall take effect immediately.

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STATEMENT

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6 This bill would establish, in the Department of Environmental
7 Protection (DEP), a “Municipal Landfill Upgrading and
8 Infrastructure Improvement Grant Program.” The program would
9 provide financial assistance to pay municipal landfill upgrading and
10 infrastructure costs – i.e., those financial costs that are incurred by a
11 municipality in association with its implementation and ongoing
12 maintenance and management of infrastructure improvements and
13 other physical upgrades to a municipally owned and improperly
14 closed sanitary landfill facility – which costs are necessary to
15 ensure that the municipality: (1) comports with the DEP’s
16 standards and regulations concerning the proper closure, capping,
17 and post-closure care of sanitary landfill facilities, which were
18 initially adopted on June 1, 1987; and (2) has the capacity to
19 effectively prevent, minimize, eliminate, or monitor pollution and
20 other health hazards resulting from the improperly closed sanitary
21 landfill facility.

22 A municipality that owns an improperly closed sanitary landfill
23 facility would be eligible to apply for a grant under the program.
24 The bill defines an “improperly closed sanitary landfill facility” to
25 mean a sanitary landfill facility, or a portion of a sanitary landfill
26 facility, at which operations were terminated prior to June 1, 1987
27 and for which performance is not complete with respect to all
28 activities associated with the design, installation, purchase, or
29 construction of structures or equipment, or with respect to the
30 implementation of other appropriate measures, as may be required
31 by the DEP, pursuant to law, for proper facility closure, including,
32 but not limited to, activities involving the placement or installation
33 of earthen or vegetative cover, methane gas vents, methane gas
34 monitors, air pollution control devices, and leachate monitoring
35 wells or collection systems.

36 In addition to any other information that may be required by the
37 DEP commissioner, an application for a program grant submitted by
38 an eligible municipality under the bill would need to include: (1) a
39 certification stating that the sanitary landfill facility, which is the
40 subject of the grant application, is owned by the municipality and
41 was improperly closed prior to June 1, 1987; (2) a statement
42 indicating the total amount of grant funding that is being sought
43 pursuant to the bill; (3) a list of any other financial resources,
44 including federal financial assistance, that may be available to
45 finance the municipal landfill upgrading and infrastructure costs;
46 and (4) a description of the specific project or projects for which
47 grant funding is being sought. The project description is to
48 identify: the type of infrastructure improvement or other physical
49 upgrade being proposed; the reason why the infrastructure

1 improvement or other physical upgrade is necessary; the
2 environmental impacts that are expected to result from the
3 improvement or upgrade; the total anticipated costs of the project,
4 including the total anticipated expenses associated with the
5 municipality's ongoing maintenance and management of completed
6 project components; the permits and approvals that will be required
7 for project commencement; and the anticipated dates on which the
8 project will be commenced and completed.

9 A grant awarded under the program may be used to finance only
10 those municipal landfill upgrading and infrastructure costs that are
11 directly incurred by a municipality. In any case where a federal
12 agency is financing a portion of the municipal landfill upgrading
13 and infrastructure costs, the total costs used in determining the
14 amount of the grant to be awarded under the grant program would
15 be reduced by the amount of the federal contribution.

16 The bill requires the DEP commissioner, within 180 days after
17 the bill's effective date, to develop a project priority system that
18 identifies the ranking criteria and funding policies to be used by the
19 DEP when prioritizing projects for grant awards under the program.
20 At a minimum, the project priority system is to provide for the
21 prioritization of those projects that will have the most significant
22 impacts with respect to enabling the ongoing municipal prevention,
23 reduction, elimination, or monitoring of pollution and other health
24 hazards resulting from an improperly closed sanitary landfill
25 facility.

26 Each municipality receiving a grant award under the program
27 would be required to regularly submit to the DEP, a grant fund
28 expenditures report that describes how the awarded grant funds are
29 being used by the municipality. The commissioner would be
30 required to adopt rules and regulations that, among other things,
31 specify the requisite content of these expenditure reports. The bill
32 also requires the DEP commissioner to annually submit, to the
33 Governor and the Legislature, a written report on the
34 implementation and effectiveness of the grant program, which is to
35 include, among other things, an accounting of the appropriated
36 funds that remain available for future project grants.

37 The bill would appropriate \$10 million from the General Fund to
38 the DEP for the purposes of financing grants under the program.